III.H Utilities

H. Utilities

Comment III.H-1:
In addition to the benefits we heard tonight, there are benefits to the Yonkers infrastructure. If you approve the sale of the tax increment financing bonds, then the public roads, sewers and water systems will be vastly improved, and they will be paid for with revenue that Yonkers doesn't currently collect.

(Frank LeMoine, Local Union 46, Public Hearing, 4/29/2008, Page 189-190)

Response III.H-1:
Comment noted.

Comment III.H-2:
Let me suggest to you and to all members of this Council, that to approve this, will have a tremendously positive impact and will help get the infrastructure done that we need done in this city in one fell swoop. Instead of doing it piecemeal, instead of trying to do it one piece at a time, one bit of a budget at a time, we are going to be able to increase a significant amount of tax revenues through the approval of this project.

(Castro-Blanco, Resident, Public Hearing, 4/29/2008, Page 194)

Response III.H-2:
Comment noted.

Comment III.H-3:
1. Provide two types of mitigation. The draft EIS correctly states that the County Department of Environmental Facilities has requested that the additional flow to the sewer system from the project sites be off-set by reductions in existing inflow/infiltration (I&I) at a three-for-one ratio. However, while the project proposes reducing I&I as part of the mitigation, it would not be on a three-for-one ratio, but instead implemented as part of a program which also uses other mitigation. This other mitigation includes: • Physically separating stormwater from the sanitary sewer in the area of the River Park Center site • Diverting stormwater from the existing combined sewer system through the construction of new stormwater drainage facilities in the project area The combined sewer system separation should not be counted as part of the I&I mitigation. Storm/sanitary separation only addresses peak flows during storm events and mitigates combined sewer overflow but not average flows to the Yonkers Joint Wastewater Treatment Plant. We recommend that storm/sanitary separation be provided at a ratio of 3 to 1 and that I&I mitigation be provided at a ratio of 1 to 1.5, The EIS should clarify who will conduct the mitigation work and how it will be paid for.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-3:
The removal of stormwater facilities from the sanitary sewer system will remove a considerable amount of excess water from the City collection system and the County sewage treatment plant. In addition to collecting surface water (Inflow), some sections of the City stormwater catchment system also removes base flow (Infiltration) due to ground water entering old structures and pipes. As is currently proposed, I&I removal is provided at a ratio of 1:1 and storm/sewer separation can be provided at a ratio of 2:1 for a combined ratio of 3:1 removal. It should be noted that the storm/sewer removal amounts are calculated using a baseline rainfall of 1.9 inches as identified in the County's I&I report. Not including existing infiltration from groundwater, an average annual rainfall of 45 inches per year would generate approximately 30,000,000 gallons of stormwater that would be removed from the sanitary sewer system. Upon completion of the above improvements, there will be a positive impact on the City sanitary system and the County sewage treatment plant. It is anticipated that primary responsibility for construction management of the recommended utility improvements will be undertaken by the Applicant in consultation with the City. As discussed in Section III.I "Socio-Economic Factors", of this DEIS, the use of tax increment financing is proposed to pay for these necessary utility improvements. This funding of the public utilities and other infrastructure improvements is integral to the development of the proposed Project and is also necessary to support other future development in downtown Yonkers.

Comment III.H-4:
Section III H-3 (c) slates that "except for Palisade Point, sewage from the various sites will discharge into a 36"-48" City trunk combined sanitary and storm sewer." We suggest that sanitary discharges from this project be sent to separate sanitary sewers when practical. (DOH)

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-4:
During construction, stormwater collection will be separated from the sanitary sewer system from the project sites. A separate stormwater collection system will be constructed and it will not be connected to the sanitary sewer system. Sewage generated from the project sites will be directed to the existing City trunk sewer that is currently connected to the County Sewage Treatment Plant. Storm and sanitary discharges will not be interconnected.

Comment III.H-5:
Section III H-5 states that the existing 12" sewer serving Palisade Point does not have sufficient capacity and must be replaced with a larger sewer. Please document that the receiving sewer, to which this new sewer will connect, has capacity to handle these flows. (DOH).

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-5:
Initial testing indicated that the 12-inch main may not have capacity and may require it to be replaced. It is anticipated that primary responsibility for construction management of the main's replacement, if required, would be undertaken by the Applicant in consultation with the City, and tax increment financing would be used to pay for the improvement. The main is connected to the County-owned pump station located adjacent to the site near Main Street. Based on the 2005 Annual Report, Water and Wastewater Operations, the pump station recorded actual flow of approximately 0.92 mgd and the capacity is listed as 8.10 mgd. Palisade Point will generate only 0.10 mgd. The flow generated by the site is within the capacity of the pump station.

Comment III.H-6:
Section III H-14 speaks to the relocation of the combined sewer discharge to the Saw Mill River in the vicinity of Larkin Plaza. It is not clear whether the relocated pipe section is located before or after the regulator. If the discharge pipe to be relocated is after the regulator, it is acceptable; if before the regulator than it cannot be relocated. (DOH).

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-6:
The regulator is located in Getty Square and Larkin Plaza where a possible combined sewer overflow is located downstream of the City regulator. The intent of the storm/sanitary sewer separation would be to leave the City sanitary collection system in place or repaired/relocated to accommodate the daylighting of the Saw Mill River and to install a separate stormwater collection system connected directly to the Saw Mill River. There would be no interconnection between the sanitary sewer and stormwater systems. The overflow regulator would have no effect on the proposed action at Larkin Plaza since the purpose of the regulator is to allow the Westchester County Trunk Sewer to receive excess flow from the City's trunk sewer. This function is not affected.

Comment III.H-7:
[Westchester County Department of Environmental Facilities] DEF must have an opportunity to review the comprehensive hydraulic analysis for the City of Yonkers water system since there may be impacts with DEF's connection at Shaft 22. (DEF)

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-7:
A detailed and comprehensive hydraulic analysis has been prepared by Lackowitz Engineering in coordination with City of Yonkers departmental representatives and is presented in Appendix D of this FEIS. As indicated in the hydraulic analysis, while there will be an increase in water drawn from Shaft 22 of 0.7 MGD, the results of the model simulations indicate that increases of this magnitude have no impact on the operation of either the Mountaindale or Kensico Line connections. The Kensico Line (operated by County Water District No. 1 and supplied by Shaft

22) also provides supply to the City of Mount Vernon at the Springer Avenue connection. The model simulations also indicate that the additional flow to Yonkers from the Kensico Line will not impact supply pressure to the City of Mount Vernon at Springer Avenue. The Westchester County DEF is an Involved Agency under the SEQR review process, and as such, a copy of the FEIS containing the hydraulic analysis will be circulated to DEF for review and comment once the FEIS is accepted as Complete by the Lead Agency.

Comment III.H-8:
The proposed access road for Palisades Point is directly over a county force main. The location of the main must be identified on the plans and the EIS must identify potential construction impacts and long-term traffic weight problems which could damage the main; maximum load limits should be established. (DEF)

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-8:
DEIS Exhibit No. III.H-2 shows the location of the existing 54-inch Westchester County force main in relation to the proposed road crossing for the for the Palisades Point site. As part of the site plan application submission, plans and specifications will be provided identifying the measures to be undertaken both during construction and in the final design to ensure the protection and structural integrity of the County force main. Engineering and construction techniques which may be utilized in protecting the force main include, but would not be limited to field locating the existing force main prior to the start of construction, minimization of excavation, avoidance of stockpiling of materials over the force main during construction, the use of bracing, and the posting of maximum weigh limit signs.

Comment III.H-9:
The draft EIS states that the impact of this project [on the water supply] (568,000 Gallons per day) along with other planned developments results in a projected cumulative water demand of approximately 1 million gallons per day. The discussion of water supply raises several questions that we recommend be addressed: The draft EIS does not provide documentation that the city has sufficient source available to meet these demands. This must be clarified.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-9:
As indicated noted in the July 28, 2008 letter from John Speight, Superintendent, City Water Bureau (included in Appendix D of this FEIS), the City has no restriction on the amount of water that it can draw from the New York City Water System. As discussed in this section of the FEIS, the City's hydraulic consultant, Lackowitz Engineering, has prepared a comprehensive hydraulic analysis of the existing water distribution system (see FEIS Appendix D), evaluating the system's capacity under existing conditions as well as future conditions with the SFC project and the other planned development projects. With improvements to the water main system as identified in the

DEIS, adequate supply can be provided to the Project. To further support this response the Applicant contacted the City Water Bureau in July 2008 and requested any additional information further documenting the sufficiency of the water source for the SFC Project and the other planned developments. (See Appendix D of this FEIS) The Water Bureau has indicated that it does not have a limit on the amount of water it may draw from the NYC water supply System. (See Appendix D of this FEIS) The results of the hydraulic model indicate the Project improvements, including new water mains identified in the DEIS (i.e., the Phase I pipeline projects and southside connection to Palisades Point identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. Further, the Applicant has prepared in conjunction with the City a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS. With the proposed implementation of the Construction Water Remedial Plan as approved by the City DPW, the SFC Project will not exacerbate the aforementioned vulnerable areas. See also Response LA-16.

Comment III.H-10:
If excess water charges are owed to the NYC Department of Environmental Protection due to increased water usage by the project, will these charges be paid only by those properties contained within the project area? This should be clarified.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-10:
The City of Yonkers will receive water payments from the SFC Project commensurate with water consumption based on water metering readings recording the Project's actual demands. The increase in residential population from the SFC Project will also increase the City's water allocation from NYC at the standard water usage rates. Usage above this allocation is charged at a higher rate and according to the City Water Bureau, the current standard per capita water rate charged by NYC is $900.31 per million gallons of water drawn from the NYC system while the current premium rate is $3,088.24 per million gallons of water drawn in excess of the NYC per capita rate. According to the Water Bureau the premium rate varies on a monthly basis since the base rate established by NYC is calculated using the amount of water NYC consumes on a per capita basis. (See Appendix D of this FEIS.) The City of Yonkers has indicated that they are not provided with information on how these rate amounts (base and premium) are calculated and are only provided with the allocated amount of water that is permitted to be drawn at the base rate, with the cost per million gallons for both the base and premium rates recalculated every month by NYC.

Based on current water usage rates, potable water provided to each facility within the Project area will be metered and each establishment will be charged by the City of Yonkers for water usage at rate of $1.27 per 100 cubic feet of water. The 1,386 residential units proposed as part of the SFC project are estimated to generate approximately 1,957 new non-transient residents which will increase the amount of monthly water allowance from the NYC water system by 8.43

million gallons. The increase in the Yonkers population by the Project will increase the allowable monthly water consumption at NYC entitlement water rates after a new U.S. Census is compiled and adopted. The next Census is planned for 2010.

The estimated total water usage by the Project (excluding seasonal irrigation) is estimated to be 543,665 gallons per day or 16.3 million gallons per month or 7.87 million gallons above the rate. It should be noted that this consumption rate is an average daily demand with all facilities theoretically at full occupancy and usage. However, except for residential use, on a weekly and monthly basis, full occupancy is not anticipated every day at the restaurants, retail and office facilities. Therefore on a monthly basis it is anticipated that the actual water consumption will be less than this amount and the amount of water usage above the base rate will be less than or even below the base allocation rate. While there might be some months within a year that Yonkers will have to pay for 7.87 million gallons of water used by the project at excess per capita rate, the Water Bureau has indicated that they do not know exactly what they will have to pay for water used by the project at the premium (or excess) per capita rate as their rates vary each month. In the unlikely event 7.87 million gallons of excess capacity is used by the Project, the additional charge to the City of Yonkers would be calculated as the difference between the premium rate of $3,088.24 less the allocation rate of $900.31 per million gallons used times the excess amount of 7.87 million gallons. This is calculated as $17,219.01 per month or $573.97 per day of additional charge to the City of Yonkers based on the current calculated rates identified by the City Water Bureau..

Although the increase in the number of residents and commercial establishments by the Project will increase total water usage by the City of Yonkers, it will also generate additional revenue for Yonkers from water re-sale to the project. The estimated water usage of 543,665 gallons per day will generate $923.07 per day using the current Yonkers water rate of $1.27 per 100 cubic feet of water. Under conditions where the base allocation amount is not exceeded, Yonkers would pay NYC $486.97 per day with revenue of $436.1 per day.

Comment III.H-11:
Page 1-31 [of the DEIS] notes that the Yonkers Fire Department expressed a need to increase [the] water pressure in the area from 40 to 60 PSI. However, if this is connected to Water District #1, have the impacts been addressed?

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-11:
Page I-31 of the DEIS indicates that the Fire Department has expressed a need for improvement to the existing water supply system, particularly with respect to pressure problems experienced during summer months in nearby Nodine Hill. According to The City of Yonkers Water Bureau 2006 Annual Water Quality Report, capital improvements planned for 2007 included cleaning, cement relining and reinforcement of 14,000 lineal feet of water mains in the Elm Street and Walnut Street area, intended to improve water quality, domestic pressure and fire flow availability in the Nodine Hill section of Yonkers. The City Water Bureau has confirmed that the cleaning and relining project in the Nodine Hill area was completed in the Spring of 2008.

In addition, as discussed in Section III.H.3.a of the SFC DEIS, the measures recommended by the City's hydraulic consultant for upgrading the existing water distribution system to provide adequate fire flow and domestic supply to the new buildings without significantly impacting existing water flow in the area, will strengthen the overall downtown water system. The existing water pressure in downtown Yonkers is 57 psi and will increase to 59 psi with implementation of the propose measures to the downtown water network. The City of Yonkers Engineering Department and Water Bureau will be involved during the design and construction process for the proposed Project's water infrastructure, and will ensure that they adequately address the water supply and pressure requirements. Based on the hydraulic analysis by Lackowitz Engineering, the Kensico line operated by Water District No. 1 will not be impacted by the additional water flow of 0.7 MGD during maximum day water demand drawn from the line. It is anticipated that primary responsibility for construction management of the recommended utility improvements will be undertaken by the Applicant in consultation with the City. As discussed in Section III.I "Socio-Economic Factors", of this DEIS, the use of tax increment financing is proposed to pay for these necessary utility improvements. This funding of the public utilities and other infrastructure improvements is integral to the development of the proposed Project and is also necessary to support other future development in downtown Yonkers.

Comment III.H-12:
The NYC DEP capital program outlines several major repairs and interim service changes in the water supply system. The EIS should discuss these coming actions and the relationship to the proposed development in downtown Yonkers.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.H-12:
The New York City DEP has implemented a series of programs to evaluate and protect source water quality within the Catskill/Delaware watersheds. Their efforts focus on three important program areas:1) The enforcement of strengthened watershed rules and regulations; 2) The acquisition and protection of watershed lands; and 3) Implementation of partnership programs that target specific sources of pollution in the watersheds.

The Yonkers Water Bureau has indicated that they are not familiar will the specific NYC DEP capital programs, however they are aware of a possible future Catskill Aqueduct shut down planned for inspections and maintenance. As such Yonkers has constructed three (3) miles of 30-inch water main connected to the Kensico Pipeline (Water District # 1) to compensate for loss of water supply during the anticipated Catskill Aqueduct shut down.

The Water Bureau has indicated that as part of the Westchester County Capital Improvement Program, members of Water District #1 have forwarded a letter to the County Executive requesting in part that the County shall construct a southern connection to the NYC distribution system and pump station to provide redundancy in the event of failure of Lower Kensico Pipeline (south of Shaft # 22). The proposed development will have no impact on the need for these capital improvements.

Comment III.H-13:
Who is going to pay for the utility upgrades, electric and water to the project? What is the anticipated cost of the specific upgrades? How are the taxpayers going to be dealt with these situations?

(Deane Prouty, Resident, Public Hearing, 5/13/2008, Page 38)

Response III.H-13:
The costs for utility services, including but not limited to the Phase I water pipeline projects in the vicinity of River Park Center site and the southside connection to Palisades Point as identified in the hydraulic analysis, will be provided by the Applicant with assistance from the City through the issuance of TIF bonds. Electric services will be provided by ConEdison. See also Responses LA-16, III.H-45.

Comment III.H-14:
How will we accommodate the additional waste from structures this large?

(Michelle Jacobs, Resident, E-mail, 5/29/2008)

Response III.H-14:
As discussed in the DEIS Section III.H, the recommended removal of stormwater facilities from the sanitary sewer system will remove a considerable amount of excess water from the City collection system and the County sewage treatment plant. In addition to collecting surface water (Inflow), some sections of the City stormwater catchment system also remove base flow (Infiltration) due to ground water entering old structures and pipes. Upon completion of the sanitary sewer and storm drain improvements, there will be a positive impact on the City sanitary system and the County sewage treatment plant.

Litter clean-up on the property of River Park Center, including clean-up after games and other events, will be the responsibility of the Applicant or operator of the ballpark. Additionally, the operation of the ballpark and shopping areas of River Park Center will include a garbage collection and disposal program to minimize the presence of debris. Solid waste generated by commercial uses and the ballpark will be handled by a private carter. In total, the DPW suggested that it might need one additional truck to provide service to the proposed Project but would need to further review specific plans. The estimated cost of a truck is $160,000. Each truck requires three staff people. The salary of each staff person is anticipated to be $57,000 per year plus 35% in benefits. As discussed in Chapter III-I of the DEIS and this FEIS, Project generated tax revenues are sufficient to offset this cost.

Comment III.H-15:
Given the plant's age and its history as a poor neighbor, the ability of the plant over the long term to effectively treat a more concentrated sanitary flow and a much larger quantity of sewage is questionable. Several factors need to be further identified and are missing from the DEIS and need to be included in the FEIS: A comprehensive list of all developments anticipated to require sewer hook-ups in the service area of the YJWWTP within the next five years – i.e. housing, commercial, industrial or recreational projects. Provide a similar list of projects in Yonkers requiring sewer connections in the next five years – i.e., the anticipated flow rate for the Alexander Street & the expanding Cross County Shopping Center are not mentioned in the DEIS. Provide a list of large parcels of land in the service of the YJWWTP that have a potential for large scale development.

(Nortrud Spero, Resident, E-mail, 5/30/2008)

Response III.H-15:
The County has requested that the increase in sanitary flow be mitigated by a factor of 3:1. This will be accomplished by removing water infiltration and inflow from entering the sanitary collection system. The mitigation of the flow increase is a requirement of Westchester County Department of Environmental Facilities who owns and operated the YJWWTP. While the details of a final mitigation plan are being reviewed by them, they have indicated that the plant could support the project. A review of all large parcels within the YJWWTP service area include a significant part of Westchester County and is therefore outside the scope of the project impact review.

Comment III.H-16:
Sewer mains – In a 1993 survey, problems with City-wide sewage collections system were identified – a new, comprehensive analysis of all affected sewer lines needs to be do, especially trunk lines which will be downstream of the project & will be affected by a significant increase in flow leading to the plant.

(Nortrud Spero, Resident, E-mail, 5/30/2008)

Response III.H-16:
As presented in the DEIS, flow meters were installed within the City sewer trunk lines and were found to have adequate capacity. Except during extreme rainfall, the mains appear to have adequate capacity. In addition, a 3:1 reduction of water inflow and infiltration will be provided to mitigate the increase in sanitary flow to the collection and treatment systems.

Comment III.H-17:
Provision should be made to ensure that once the new water mains are installed as proposed the corresponding flow rate should be checked and plans should include additional work if the minimum required flow rates are not met. The sequence of the installation will be critical to ensure not only those current facilities improve water flow but the new facilities achieve the proposed water flows.

(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, Letter, Not Dated)

Response III.H-17:
The improvements to the water mains were identified by the City's engineering consultant to show significant improvements of water flow and pressure to the downtown area. Prior to construction, a review of the final design and plans will be made with the City Engineer and DPW to be sure the design plans address the City's recommendations. A detailed construction phasing plan will be prepared and reviewed with the City to assure continued water flow to residents and businesses in the area. Upon completion of the new water mains and hydrants, the hydrants can be flow tested to verify the flow rates as computed by the City's engineering consultant have been achieved. Additional work beyond those identified is beyond the responsibility of the Applicant.

Comment III.H-18:
Riverkeeper applauds the fact that SFC's proposal calls for rerouting stormwater into a separate water treatment system because this will significantly reduce the strain on the sewer system during rain events. In addition, the daylighting of the Saw Mill River will reduce the amount of impervious surfaces and consequently reduce the amount of runoff that must be treated in the YJTW plant. While this is commendable as a start, the use of "green building" practices and sustainable technologies such as green roofs, catch basins and other technologies designed to reduce the amount of runoff generated by impervious surfaces should also be implemented. (See, Riverkeeper's Sustainable Raindrops report, available at: http://riverkeeper.org/special/Sustainable_Raindrops_FINAL_2007-03-15.pdf.)
(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)

Response III.H-18:
See Section II page 32, first paragraph of the DEIS, 'Environmental Sustainability Objectives" which notes that stormwater measures will include permeable paving, stormwater filter systems below ground, and proposed areas of green roof systems which will aid in reducing the amount of runoff generated by the proposed impervious surfaces. In addition, the reduction of at grade surface parking areas by locating most or all of the parking under buildings and in covered garages will also reduce thermal impacts to stormwater. The Project's landscaping design will include plants that do not require extensive irrigation needs to reduce the impacts on the municipal water supply system. Trees will be selected to provide shade in the summer and sunlight in the winter where possible to pavement and building areas.

The Project sites will feature pedestrian-friendly features such as pathways, benches and focal points of interest (see Exhibits II-10 through II-13). Exterior lighting will be designed to reduce glare and night-sky illumination, using a range of measures that include shielded luminaires (to avoid projecting light toward the sky), location of luminaires to avoid light trespass on surrounding areas, and utilization, wherever possible, of lower intensity lighting.

Water conservation will be promoted in the selection of low flow plumbing fixtures. Energy efficiency will be pursued by potentially using higher efficiency heat pump system and advanced cooling tower controls for residences (if a water loop heat pump system is selected) – as well as other measures that are appropriate to the specific buildings. These HVAC systems have 10-25%

higher cooling efficiency than the typical through-the-wall incremental units (PTACs) and can be 10-20% more efficient in heating.

The buildings will feature recycled content for a variety of materials such as concrete (fly ash or granulated blast furnace slag), steel, aluminum, insulations, carpeting and other materials. To the extent practicable, the construction process will be managed to divert waste materials from dump sites to recycling facilities – diversion rates of 50-75% are expected. Indoor air quality will be an important design feature of the Project and efforts will be made to utilize materials that reduce volatile organic compounds (paints, coatings, adhesives, sealants, carpeting) and techniques that promote good air quality (e.g., during construction).

The Applicant will also develop a green housekeeping guideline to be used by tenants and building operators. This guideline will emphasize the use of nontoxic materials for cleaning (e.g., reducing or eliminating chlorine compounds), and will also promote the use of Integrated Pest Management. This pest control technique focuses on (1) preventing pests from entering the building and also removing their opportunity to thrive in the building and (2) using control techniques that reduce the use of toxic and hormonally-disruptive agents.

Finally, the Applicant proposes to build the Project to a standard adequate to make it eligible for LEED certification. While the Applicant proposes to build the Project to a standard adequate to make it eligible for LEED certification, this may not apply to the parking garages because most LEED standards focus on building components related to human occupancy. The "Mall" or LEED for Retail is currently undergoing a Pilot program because of the unique nature of the retail environment and the different types of spaces that retailers need for the distinctive product lines. LEED for Retail is expected to launch sometime this year and when it does, and when the Applicant knows the nature of the types of retailers, the Applicant will investigate compliance at that time.

Comment III.H-19:
The DEIS anticipates at least 452,750 gallons per day of additional wastewater directed to the Yonkers sewage treatment plant. The impact of this amount of sewage on the YJTW plant needs to be studied and addressed in the EIS especially given that CSOs are already a problem at the plant. Although the DEIS states that the project will not add to stormwater flow into the combined sewers, the fact that it adds wastewater to the system at all means that it will still worsen the CSO problem, albeit indirectly. Further mitigation of storm water from adjacent properties through the proposed stormwater treatment facilities as well as sustainable stormwater management practices would be an effective strategy to mitigate the impact of the added sewage on the existing sewer system.

(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)

Response III.H-19:
The current plan is also to review areas surrounding the development site to remove stormwater from the sanitary system such that there will be a 3:1 reduction in flow to the treatment plant. The removal of stormwater will reduce the volume of water entering the sewer system and reduce the volume of CSO, albeit a small amount. See also Response III.H-3.

Comment III.H-20:
Who will be responsible for the disconnection and connection of Utilities service to 87 Nepperhan i.e. Phone, electric, Internet etc. Once the move has been complete, will the City continue to operate in a Campus style as they are currently?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.H-20:
The work associated with the relocation of utilities will be accomplished in conjunction with the project infrastructure work for the roads, water and sanitary systems. Once completed the plan would be to maintain the private campus like communication system it currently has. The relocation of City offices from 87 Nepperhan to the new office at Cacace Center will remove the need for pedestrians to cross an active roadway when traveling between City Hall and the new municipal building, further enhancing the campus feel. Physical disconnection and connection of utility service - phone, electric, internet - will be done by the utility providers and coordinated by the Applicant. Exhibit II.H-6 of the DEIS, "City of Yonkers Fiber Optic Cable Data Routing" shows the proposed conduit and connections linking the MIS hub in the proposed Carnegie Building with the proposed firehouse as well as the internal linkages within the Cacace Justice Center, which will provide campus-like communications connectivity. The relocation plan and the timing of this work will be finalized as part of the detailed construction phasing plan to be provided to the City prior to the start of work in these areas. A similar plan will be developed with Verizon and Con Edison to coordinate the public communications systems and cost estimates will be established at that time. As is typical for these types of installations, the utility providers are expected to bear primary responsibility for costs associated with these service connections..

Comment III.H-21:
With the additional residential and commercial tenants moving to the area, how would that increase affect our cost to NYC for our water bill? What is the estimated cost above what we are currently paying?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.H-21:
See Response III.H-10.

Comment III.H-22:
What precautions will be put in place to ensure that the existing community will not experience a power loss during the relocating of electric lines?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.H-22:
The power lines are maintained by Consolidated Edison. Power line relocation, relocation of other services and other related infrastructure work will need to be carefully coordinated to maintain continued power to existing residents and businesses. A construction phasing and coordinated schedule of work will be required between the City, Con Ed and the developer to identify potential problems to minimize the risk of power loss.

Comment III.H-23:
Has the developer had any conversations with Con Edison about the M29 project? What bearing will this have on the project?
(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.H-23:
See Response LA-29.

Comment III.H-24:
What effects will the project have on our water bill to New York City?
(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.H-24:
See Response III.H-10.

Comment III.H-25:
Services to 50 story buildings or any high rise for that matter require completely different levels of services. Who will manage the installation of all such municipal services and utility services?
(Barbara Howard, Memo, 5/30/2008)

Response III.H-25:
The developer will manage and coordinate the installation of gas, electric, communication, water, storm and sanitary service lines to the building with the respective utility companies.

Comment III.H-26:
Have alternative sources of energy for ballpark stadiums been investigated by the developer? If so, specifically what type of energy saving lighting is available? Has solar energy been investigated as a power source for stadium lighting?
(Molly Roffman, Letter, 5/30/2008)

Response III.H-26:
The Applicant will investigate alternative sources of energy for the ballpark and the project in general. Additionally, there are many energy saving approaches to the project design that will be investigated and implemented. From utilization of high-efficiency mechanical equipment to the types of light fixtures that are specified. The design team will make every effort to design an environmentally sensitive building. Details will be provided as designs are further advanced, and will be discussed as part of the Site Plan approval process.

Comment III.H-27:
Storm drains and sanitary sewers, electric and gas systems, and telephone, communicants and cable television systems not discussed in executive summary.
(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.H-27:
Comment noted. They were discussed in the Project Description as well as in Chapters III.D, and III.H of the DEIS.

Comment III.H-28:
Has the applicant met with the Water Bureau and been able to comply with their requirements?
(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.H-28:
A detailed and comprehensive hydraulic analysis has been prepared by George Lackowitz Engineering in coordination with City of Yonkers departmental representatives and is presented in Appendix D of this FEIS. Pursuant to the hydraulic analysis, the Applicant will assume primary responsibility for construction management of the Phase I pipeline projects to install new water mains around the River Park Center site, as well as the Southside connection to Palisades Point to provide a second source of water supply to the Palisades Point site. Tax increment financing is proposed to pay for these necessary utility improvements. The results of the hydraulic model indicate the Project improvements, including new water mains identified in the DEIS (i.e., the Phase I pipeline projects and southside connection to Palisades Point identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. Further, the Applicant has prepared in conjunction with the City a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS. See also Response LA-16.

Comment III.H-29:
With respect to water purchased from New York City and the COY's allotment. [We are nearing our water limit and would be charged at a higher rate] DEIS asserts that an increase in the number of residents increases our allotment. That must be checked. Makes assumption applicant can institute water conservation measures to offset increase use of water.
(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.H-29:
See Response III.H-10.

Comment III.H-30:
Has the applicant met with the City Engineer and to comply with their requirements?
(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.H-30:
The Applicant has and will continue to meet with the City Engineer to review specific project design requirements.

Comment III.H-31:
Clarify the type of impacts that may be expected by utility customers by the Proposed Project. Specify the breadth of customers potentially impacted and the types of disruptions. Include all utility services (e.g. phone, water, electric, gas) that may be reasonably anticipated to be disrupted and the mitigation measures for avoiding, minimizing or compensating for them.
(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.H-31:
Gas, electric, cable TV and telephone infrastructure are owned and operated by independent companies that are permitted to provide utility service in this area of Yonkers. They are also responsible for meeting a quality of service pursuant to the New York State Public Service Commission requirements. Water, sanitary and stormwater systems are owned and maintained by the City of Yonkers. The City engineers have requested that prior to construction a detailed construction phasing plan be coordinated with them so to mitigate disruptions in all services including those not under their jurisdiction. The project does not anticipate the removal or discontinuation of services to existing residences or business. Temporary service relocations may be required to minimize disruption of services in the event they are needed and they will be coordinated with the property owners, utility companies and the City.

Comment III.H-32:
5) How will Con Edison customers in Yonkers be affected by the increased energy demands of the project sites?

6) Will existing Con Edison facilities such as Dunwoodie and Ridge Hill be impacted by the increased electricity demands created by the project? If so, will they need to expand?
7) Will Con Edison customers in Yonkers have to pay higher bills as a result of the need to upgrade existing electric and gas lines, or to construct new ones? If so, what are the estimated increases and over what time period?

(Deirdre Hoare, Resident, Letter, 5/30/2008)

Response III.H-32:
Con Ed has been contacted regarding new service connections and what improvements, if any, would be required to service the project. They have indicated that they will be able to provide both gas and electric service but have not indicated what improvements, if any, would be needed to their infrastructure. Con Ed has not indicated that electric and gas rates would increase as a result of this project.

Comment III.H-33:
Page: 2 - HI What constitutes an emergency condition?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-33:
As indicated on page III.H-1 of the DEIS, under emergency conditions only, the City is permitted to draw water from the Grassy Sprain Reservoir. Although the reservoir is still classified as a water supply reservoir, it is no longer used as a source of normal water supply and was taken out of service sometime around 1987 due to water quality issues. The City Water Bureau has indicated that under no circumstances can this water be used to maintain domestic water pressure or fire availability without adequate treatment complying with the NYS Sanitary Code. This reservoir could possibly be used only during catastrophic failure of entire Yonkers Water Distribution System.

Comment III.H-34:
Page 4: III H3. How much of inadequacy of the mitigation is for current project and how much for future development need

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-34:
A comprehensive hydraulic analysis has been prepared by the City's hydraulic consultant, Lackowitz Engineering, modeling the water distribution system under existing baseline conditions as well as under future conditions with the SFC Project (Phase I Development) and other planned development projects (Phase II Development) anticipated to be completed within the same timeframe as the proposed SFC Project. The hydraulic analysis is presented in Appendix D of this document. The results of the hydraulic model indicate the SFC Project

improvements, that include new water mains identified in the DEIS (i.e., the Phase I pipeline projects identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. The hydraulic model also indicates that added water demand from the future projects indicated as Phase II Developments, has no significant additional impact on the water system. (See responses to Comments LA-16 and III.H-28 regarding the Applicant's preparation of a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS.) See Response LA-16.

Comment III.H-35:
III H3. Will the lack of the comprehensive hydrological analysis hold over the FEIS from the charter provision about FEIS timing? Potentially the DEIS is incomplete without the analysis.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-35:
The DEIS specified that this analysis would be completed and incorporated into this FEIS. This study is reflected in this FEIS and is included in Appendix D of the FEIS. It does not affect the timing of the City's environmental review.

Comment III.H-36:
H-6 No mention is made of the M29 electrical feeder cable project designed to pass by the site. Is this project a concern to the River park center project?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-36:
The M29 cable installation by Con Ed will have no effect on the project but may have some short term construction related impacts on traffic and other utilities if the work is not properly coordinated. The specific timing of the M29 project has not been established by ConEd. As indicated on page III.M-15 of the DEIS, it is recommended that the contractor installing the M29 line coordinate the work with the City to minimize traffic and utility impacts in the area of the project site. See also Response LA-29.

Comment III.H-37:
• What water conservation measures are being proposed and how will the applicant insure that they will continue into the future?
• How are these plumbing fixtures maintained in the residences and in other facilities? What is to stop a tenant/owner from changing the fixtures?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-37:
As Required by Section 15-0314 of the New York State Environmental Conservation Law, non-water saving fixtures are not available for installation in New York State. New York State Environmental Conservation Law requires that no sink faucet, lavatory faucet, shower head, drinking water fountain, urinal or toilet and associated flush valve, be distributed, sold, offered for sale, imported or installed in the state unless it has been certified by the manufacturer by signed affidavit that it meets the flow requirements of federal and state laws. Since this law has been in effect since 1999, it is unlikely that an older and higher water flow fixture will be available for installation in any of the residential units after they have been constructed.

Comment III.H-38:
H- I0 Why is there not a proposal to use recycled water for irrigation or to take water from the Saw Mill River? Why irrigate with potable water?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-38:
With the exception of turf for the baseball field, the project's proposed landscape will include native and drought tolerant plants that do not require extensive irrigation. Stormwater collection systems will include using recycled stormwater for irrigation of planting areas wherever possible to supplement potable water demands. The use of recycled water for the baseball field turf will be considered and incorporated if feasible.

Comment III.H-39:
H-I7 The letter to Con Ed was sent in Nov 2007. The DEIS was accepted in 2008. Was there no additional information about potential off site impacts due to Con Ed street opening for the project? The FEIS should show at least the areas where the Con Ed feeds are located to allow at least an order of magnitude assessment of the impacts.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-39:
Con Ed has indicated that they have existing services in the area but they have not yet indicated the extent, if any, of the services that would need to be replaced or upgraded.

Comment III.H-40:
III H 20 The answer to the amount of new residents and the presumed increase in the amount of water allocated by NYC does not answer the fundamental question – Will Yonkers be better off,

worse off, or static when it comes to water issues after the proposed project is in place? will the addition of 1,950 residents and their allocation balance the water use by the proposed commercial and other uses?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-40:
See Response III.H-10.

Comment III.H-41:
III H20 Does the city of Yonkers water rate system result in a break even or better situation when all water usage in the proposed project is taken into account? Will the replacement of water mains result in less leakage loss and then a net gain in water rents for the proposed project?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-41:
With the replacement of the existing water mains around the River Park Center site as proposed under the Phase I pipeline projects, any existing leakage loss would be significantly reduced. However, because any existing leaks are assumed to occur before the individual water meters, it is not anticipated that there would be a net gain in water rents attributable to such leakage loss reduction. However, as indicated in Response III.H-10, the potable water demand from each facility within the Project will be metered and charged by the City of Yonkers for water usage, thus resulting in an increase in water revenues from the Project.

Comment III.H-42:
III H22 Are there other I&I methods that would save more ground water from going to the YWTP? Is there information from the county about other problem areas that might be more cost effective to mitigate rather than the project area?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.H-42:
In addition to the separation of storm and sewer pies, areas beyond the project site as identified by the County that can be remediated have also been identified. The areas identified are listed in the Utility Report, Table 4a of the DEIS, Appendix 3.

Comment III.H-43:
Water Fees - Will COY property owner water rates have to be increased to meet the demand for additional water and to for the NY City Diversion rates?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.H-43:
See Response III.H-10.

Comment III.H-44:
h. How much will the new separated storm sewers cost and where will they be installed. Specifically, what streets will be affected?
(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.H-44:
Preliminary estimates show that the storm sewer separation work will cost approximately $3.7 million. The streets identified include portions of New Main Street, Nepperhan Avenue, Palisade Avenue, Elm Street, Waverly Street, Locust Hill Avenue and School/Morgan Streets.

Comment III.H-45:
k. Who will pay for utility upgrades (electric and water) to the project sites? What is the anticipated cost of these specific upgrades?
(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.H-45:
It is anticipated that primary responsibility for construction management of the recommended utility improvements will be undertaken by the Applicant in consultation with the City. The use of tax increment financing is proposed to pay for these necessary utility improvements. This funding of the public utilities and other infrastructure improvements is integral to the development of the proposed Project and is also necessary to support other future development in downtown Yonkers. As indicated in the Tax Increment Financing Feasibility Study presented in DEIS Appendix 1.F., the public utility and infrastructure improvements needed to support the project (i.e., for construction of approximately 5,000 public parking spaces and the public sewer, water, road and other infrastructure improvements) are estimated to total approximately $160,000,000 or more. Of this total, it has been estimated that approximately $4,000,000 will be required for the water system upgrades discussed in the DEIS. The water improvements proposed to be funded using tax increment financing consist of the Phase I pipeline projects in the vicinity of the River Park Center site and the southside connection to the Palisades Point site as presented in the hydraulic analysis. As noted in Response LA-16, in testimony provided to the City Council on September 23, 2008, City of Yonkers Department of Public Works Commissioner John A. Liszewski indicated that, while the proposed improvements will provide positive benefits to the Yonkers water main system, there are areas of existing concern identified on Ashburton Avenue, Rumsey Road and Southwest Yonkers that will need to be addressed by the City due to the age and limited flow capacity of the system in these areas. Commissioner Liszweski also indicated that the City has been aware that additional efforts to improve the system will be required in these vulnerable areas. The Commissioner reported that these areas of vulnerability had been previously identified by the City, and that necessary repair and upgrades to address these concerns have been a pre-existing matter of the Department's capital

improvement program planning. Both the cost and timing of these improvements will be the responsibility of the City. Required upgrades to the electric system would generally be the responsibility of Con Edison..

Comment III.H-46:
It is the function of a DEIS to analyze water consumption and resources in light of all the developments proposed in the downtown. This has not been done.

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.H-46:
The City's hydraulic consultant, George Lackowitz Engineering, has prepared a comprehensive hydraulic analysis of the water distribution system, evaluating the systems capacity under existing conditions as well as future conditions with the SFC Project and the other planned development projects in accordance with the DEIS Scope. The hydraulic analysis is presented in Appendix D of this FEIS.

Comment III.H-47:
With respect to the description of the benefits delivered from the Project being in a New York State Empire Zone, the DEIS notes that "[s]pecial reduced electric and gas rates may be available through investor-owned utilities in New York State. Businesses that locate or expand their operations in an Empire Zone may receive significantly reduced rates." The YACB requests that the Applicant provide further details on any such program, including (i) the likelihood of having such rates committed or guaranteed and (ii) a brief description of energy providers in the area, with an analysis on how including investor-owned utilities will increase competition, beneficially affect prices to local businesses and mitigate Project impacts.

(Gavin Kearney and Jonathan Green, Yonkers Alliance for Community Benefit, Letter, 5/30/2008)

Response III.H-47:
The Applicant will pursue all available economic development benefit programs to help ensure that the project is economically viable. The energy provider in the project area - Con Edison - offers The Economic Development Zone (EDZ) Gas Rate program of reduced gas rates to commercial and industrial customers located in a designated New York State Empire Zone; the project site in Yonkers is designated as such. On its website (www.coned.com), the utility states that qualified companies "can reduce [its] total monthly gas bill up to approximately 10 percent depending on usage." This program is offered to any qualified business in the Empire Zone.

Comment III.H-48:
Under the current water purchase agreement with NYC, the proposed residential population for this project will not be reflected in "residential rate" until a new census is compiled and adopted.

Therefore the transient water use will increase at the premium price. Some consideration to offset this premium price until a new U.S. Census is completed should be formulated.

(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)

Response III.H-48:
As there are many development projects planned in the City of Yonkers that will impact total water demand, the Applicant recommends that the basis for an increase in water rates be reviewed for all residential and commercial projects to determine if an additional premium is warranted. (See letter from Divney Tung Schwalbe to City of Yonkers Water Bureau dated July 8, 2008 in FEIS Appendix D) See Response III.H-10.

Comment III.H-49:
The detailed design documents for water main construction and relocation must be submitted to the City's Engineering Department and DPW for approval, and then forwarded to W.C.D.O.H. for review.

(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)

Response III.H-49:
Comment noted. The Applicant will submit the detailed design documents to the City of Yonkers as part of the site plan application process for the Project. At the appropriate time, the design documents will also be submitted to the Westchester County Department of Health for review.

Comment III.H-50:
Storm Water Collection Systems in Public Streets - All water and sewer systems must conform to the City of Yonkers Standards for water and sewer systems.

(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)

Response III.H-50:
Comment noted.

Comment III.H-51:
Work should be scheduled and coordinated in conjunction with the M-29 electric feeder contract mandated by the NYS Public Commission that will occur in the vicinity of River Park Center and Cacace Center.

(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)

Response III.H-51:

Comment noted. The Applicant has requested a schedule from Con Edison for the M-29 electrical feeder installation, and is still awaiting a response from Con Edison. Preliminary indications are that the construction of the M-29 feeder is anticipated to commence by February 2009 and take approximately two years to complete activities in the public rights-of-way. A construction phasing and coordination schedule of work will be prepared between the Applicant, the City and Con Edison which considers the M-29 feeder.

Comment III.H-52:
Although in Section III.H: Utilities; pg III.H-3 of DEIS it is mentioned that a comprehensive hydraulic analysis of the existing water distribution system affected by proposed developments must be performed by applicant to identify its ability/inability to handle the significant increase in water demand, fire protection and determine all improvements necessary to serve the subject projects.
However:
Throughout the pertaining sections (III.H; 3.H) of DEIS statements , determinations are being made based on initial and very limited hydraulic study performed by George Lackowitz, requested by Divney, Tung Schwalbe.
This limited study were based solely on fire flow tests in the projects' area and addressed individual projects such as Palisade Point without consideration of Cacace Center , River Park, Larking Plaza and other developments contributing to water demand in the downtown area. Same limited type of study was performed for River Park/Cacace Centers – Appendix 3.H section II, pg II-19 & 20 plus figures # 4 & 4A.
Indicated "Mitigation Measures in section III.H – 19", such as new water mains' sizes and locations, connections may not be adequate when combined additional water demand and fire protection of all proposed project in the downtown area will be incorporated in the comprehensive hydraulic analysis.
The initial determination of 5,000 gpm water supply to Palisade Point in section III.H – 19 & 20, with dual source of water supply utilizing one of four scenarios described in section III.H – 19 & 20 also in appendix 3.H section II, pg II 19 & 20 also appendix 3.H section II, pg II-19 & 20 plus figures # 4 & 4A may not be sufficient when all projects are taken under the consideration.

(John Speight, Water Superintendent, Albina Glaz, Water Engineer, City of Yonkers, Memo, 5/30/2008)

Response III.H-52:
As requested by the City Water Bureau, the City retained the services of Lackowtitz Engineering to expand the initial water system analysis to evaluate the cumulative effect of the SFC Project (Phase I Development) as well as other planned development projects (Phase II Development) upon water system conditions. The results of this hydraulic analysis are presented in FEIS Appendix D. The results of the hydraulic model indicate the SFC Project, that includes new water mains identified in the DEIS (i.e., the Phase I pipeline projects identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. In testimony provided to the City Council on September 23, 2008, City of Yonkers Department of Public Works Commissioner John A. Liszewski indicated that, while the

proposed improvements will provide positive benefits to the Yonkers water main system, there are areas of existing concern identified on Ashburton Avenue, Rumsey Road and Southwest Yonkers that will need to be addressed by the City due to the age and limited flow capacity of the system in these areas. Commissioner Liszweski also indicated that the City has been aware that additional efforts to improve the system will be required in these vulnerable areas, but that these areas will not be made any more vulnerable as a result of the proposed improvements associated with the SFC Projects. Both the cost and timing of these improvements will be the responsibility of the City. The hydraulic model also indicates that added water demand from the future developments has no significant additional impact on the water system. (See responses to Comments LA-16 and III.H-28 regarding the Applicant's preparation of a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS.).

Comment III.H-53:
1. Section III.H-1-Existing Conditions - 1a – All connections to the New York City system are separate and are NOT combined before discharging into the Hillview Reservoir. The City of Yonkers Hillview connection is to the Hillview reservoir Uptake Chamber # 1 and not the reservoir proper.
2. Further, orthophosphate AND sodium hydroxide are added to water after entering the City of Yonkers; Section III.H-1-Existing Conditions - 1a.

(John Speight, Water Superintendent, Albina Glaz, Water Engineer, City of Yonkers, Memo, 5/30/2008)

Response III.H-53:
Comment noted.

Comment III.H-54:
3. Comprehensive hydraulic analyses will not incorporate the projected use of conservation measures. Section III. H; Table III.H-3 includes Sanitary Flow with and without water saving fixtures. Water Demand only incorporates demand with water saving fixtures and needs to include water demand WITHOUT water saving fixtures.

(John Speight, Water Superintendent, Albina Glaz, Water Engineer, City of Yonkers, Memo, 5/30/2008)

Response III.H-54:
As Required by Section 15-0314 of the New York State Environmental Conservation Law, non-water saving fixtures are not available for installation in New York State. New York State Environmental Conservation Law requires that no sink faucet, lavatory faucet, shower head, drinking water fountain, urinal or toilet and associated flush valve, be distributed, sold, offered for sale, imported or installed in the state unless it has been certified by the manufacturer by

signed affidavit that it meets the flow requirements of federal and state laws. Since this law has been in effect since 1999, it is unlikely that an older and higher water flow fixture will be available for installation in any of the residential units after they have been constructed. It is not necessary to estimate water usage without water saving fixtures as they are not permitted in the State of New York.

Comment III.H-55:
7. Who will be paying to up grade the over one-hundred years old sewage pipes, water pipes, telephone wires, electricity wire~, resources?

(Valerie Perez, Letter, 5/27/2008)

Response III.H-55:
As indicated in the DEIS, it is anticipated that primary responsibility for construction management of the recommended utility improvements identified in the DEIS will be undertaken by the Applicant in consultation with the City. The results of the hydraulic model indicate the Project improvements, including new water mains identified in the DEIS (i.e., the Phase I pipeline projects and southside connection to Palisades Point identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. The use of tax increment financing is proposed to pay for these necessary utility improvements. This funding of the public utilities and other infrastructure improvements is integral to the development of the proposed Project and is also necessary to support other future development in downtown Yonkers. The Applicant will not have primary responsibility for construction management of any other infrastructure improvements, such as those additional improvements mentioned in the Lackowitz report. As indicated in the Response LA-16, Department of Public Works Commissioner John A. Liszewski has indicated that, while the proposed improvements will provide positive benefits to the Yonkers water main system, there are areas of existing concern identified on Ashburton Avenue, Rumsey Road and Southwest Yonkers that will need to be addressed by the City due to the age and limited flow capacity of the system in these areas. Commissioner Liszweski also indicated that the City has been aware that additional efforts to improve the system will be required in these vulnerable areas, but that these areas will not be made any more vulnerable as a result of the proposed improvements associated with the SFC Projects. Both the cost and timing of these improvements will be the responsibility of the City.

Comment III.H-56:
What appliances will be energy star rated, and will this be a standard maintained by management for any changes that tenants want to make for their units?

(Margaret Setterholm, Resident, E-mail, 5/30/2008)

Response III.H-56:
As noted on DEIS page III.H-26, “Appliances for apartments will be of the high efficiency type without using CFC-based refrigerants.”

Comment III.H-57:
The Utilities chapter of the DEIS recognizes that the Project will require significant upgrades to existing municipal services, including water distribution, sanitary sewers and offsets required for new sewer connections. The DEIS, however, fails to indicate (i) cost estimates for the necessary improvements, (ii) who will be responsible for implementing the improvements, or (iii) the mechanism for assuring that no building permits are issued until financial resources are available and dedicated for the improvements. These failings are particularly critical for this Project, which purports that the necessary financing will be provided by Tax Increment Financing as allowed by Article 18C of the General Municipal Law.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.H-57:
The Applicant's preliminary estimate of the cost of the public improvements and public infrastructure (including new public parking garages) is approximately $160,000,000. The City's consultant - Ellana Inc./Bluestone Developers Construction Cost Consultants - has estimated that the improvements (exclusive of the Prospect Street bridge, which has since been eliminated from the Project) will cost approximately $212 Million. The final list of improvements and costs of construction will be determined in consultation with the City and its consultants after Site Plan Approval of the Project. The costs of the public improvements and infrastructure will be funded through a Tax Increment Financing program.

Subject to applicable legal requirements, it is anticipated that the Applicant will construct the improvements and infrastructure. Site plan approval of the Project can be made subject to the condition that adequate funding has been committed for construction of the public improvements necessary to support the phase of the project for which building permits are sought. For a discussion of any costs in excess of the TIF bonds, see Response LA-26.

Comment III.H-58:
The comprehensive hydraulic analysis will be subject to the approval of the City DPW and will be part of the FEIS. Final determinations on this issue will be made based on the results of the comprehensive hydraulic analysis...." (III.H-2.) The deferral of this critical water supply study is inappropriate and contrary to SEQRA. ASR is concerned about the availability of water for production and fire safety because its sugar refinery is located immediately adjacent to the proposed Palisades Point development. Even if the promised comprehensive hydraulic analysis is made part of the FEIS, such a disclosure will not afford ASR, the public, or the City adequate time to review this critical fire safety and water supply information. Indeed, the purpose of the FEIS is to show revisions to the DEIS in response to comments, not to introduce major and critical analyses describing the necessary mitigation associated with the Project.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.H-58:
Comment noted. A detailed and comprehensive hydraulic analysis entitled "Final Report – Unified Study Yonkers Water Distribution System Analysis on the Effects of New Developments" and dated August, 2008, has been prepared by Lackowitz Engineering for the City Department of Public Works and is presented in Appendix D of this FEIS. The results of the analysis indicate that the Project will not have an impact on the water service in the downtown area, including the sugar refinery if the improvements set forth in the DEIS are implemented. In fact, the results of the hydraulic analysis indicate that upon completion of the pipeline improvements that are proposed as part of the Project, the pressure estimated in the vicinity of the sugar refinery is expected to increase by approximately 2 psi under "maximum day water demand" conditions. As indicated in the responses to Comments LA-16 and III.H-28 herein, the Applicant has prepared in conjunction with the City a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS.) See Response LA-16.

.**Comment III.H-59:**
Although the DEIS identifies the impact of discrete planned projects on increased sewer demand, the DEIS fails to consider projected growth due to population and development. If the sewer demand follows population growth for the area (projected in the DEIS at approximately 2% per year), the WWTP would exceed its permitted capacity by 2010.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.H-59:
The service district for the WWTP includes a significant portion of Westchester County. Analysis of demand on the WWTP resulting from general population growth in the service district is beyond the scope of the DEIS.

Comment III.H-60:
The DEIS recognizes the critical nature of waste water capacity and has identified numerous upgrades to improve sewer capacity and reduce CSOs and stormwater discharge to the WWTP. However, as in the case of water distribution, the DEIS fails to specify cost estimates, schedule of implementation, assurance of financing, or enforcement mechanisms that would link the issuance of building permits and land transfers to a demonstration that appropriate mitigation is in place.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.H-60:
See Response III.H-57.

Comment III.H-61:
Although the DEIS identifies numerous improvements which purport to mitigate increased demand for sewage services, there is no link between the Project and the mitigation measures that the DEIS takes credit for. Thus, the DEIS does not provide any assurance that the mitigation will actually be implemented.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.H-61:
Due to the additional development on the Project sites, there will be a net increase of approximately 452,750 gallons per day in wastewater loading to the City and County wastewater collection and treatment systems. The removal of inflow and infiltration from sources around the City will mitigate the base flow directly and existing on-site City-owned combined wastewater and stormwater systems will be upgraded to accommodate the proposed Project. However, the Westchester County Department of Environmental Facilities has requested that the additional flow to the sewer system from the Project sites be off-set by reductions in existing inflow/infiltration at a three for one ratio. To meet this request, a series of potential measures were proposed in the DEIS. These include physically separating stormwater from the sanitary sewer in the area of the River Park Center site, diverting stormwater from the existing combined sewer system through the construction of new stormwater drainage facilities in the Project area, and removing known sources of inflow/infiltration that are listed in the Sewer System Evaluation Survey, which was included as Appendix 3.H in the DEIS. Contributory sources identified in the report that are within the limits of the Project will be remediated during construction and additional items listed in the report will be examined for possible rehabilitation to reduce inflow and infiltration. The City of Yonkers Department of Engineering has indicated that the preferred inflow/infiltration remediation is diversion of stormwater from the existing combined sewer system through the construction of the new stormwater drainage facilities in the Project area.

Assurances will be provided in the Environmental Findings Statement and the Land Disposition Agreements.

Comment III.H-62:
How will the proposed towers affect our municipal services, ie. water, sewer, sanitation? Will we lose water pressure and suffer sewage back ups?

(George Sarkissian, President, Mar Mari Church Executive Committee, Letter, 5/29/2008)

Response III.H-62:
The project will be designed to provide utility improvements to the water and sewer systems that will accommodate the proposed project without affecting the existing services in the area. Sanitation for refuse will be provided by the City and the areas will be design to accommodate the City transport vehicles and sufficient space so as to not burden other properties in the area. The SFC DEIS Utility Section III.H provides extensive information addressing the adequacy of water distribution system and sanitary sewer infrastructure to accommodate the SFC Project,

including discussion of potential impacts and recommended mitigation measures. In addition, a detailed hydraulic analysis has been prepared by the City's hydraulic consultant, George Lackowitz Engineering, as presented in Appendix D of this FEIS, evaluating the water distribution system under existing and future conditions. As indicated in the responses to Comments LA-16 and III.H-28 herein, the Applicant has prepared in conjunction with the City a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS.) See also Response LA-16.

Upon completion of the sanitary sewer and storm drain improvements, there will be a positive impact on the City sanitary system and the County sewage treatment plant; see Responses III.H-3, III.D-1.

Comment III.H-63:
In the Chapter III, a project management overview task plan is given and I have attached it to my comments here for your reference. There is no mention anywhere of where these infrastructure improvements will take place on the task plan. There is no mention of coordinating such improvements. They are just supposed to happen? There are some references to Con Ed and Verizon, but who is responsible for installing the sewer and water mains? Who will write the specs and will infrastructure work be bid out by the city? Who is responsible to size them and install them in a timely way?

(Barbara Howard, Memo, 5/30/2008)

Response III.H-63:
The planned utility infrastructure improvements are discussed in Section III.H of the DEIS. The timing of the water and sanitary sewer upgrades will be coordinated with the individual utility providers in cooperation with the City of Yonkers, and with consideration of the other planned developments. As is customary, primary responsibility for construction management of the recommended utility improvements would be undertaken by the Applicant in consultation with the City.